

Subject: ESA Section 10 Permit 1376 - Annual Report

From: Gary Rule <gary.rule@noaa.gov>

Date: Wed, 14 Dec 2005 13:43:29 -0800

To: davebea@u.washington.edu

Mr. Beauchamp,

My records indicate that you are the primary contact for ESA Section 10 research permit #1376 issued to Washington Cooperative Fish and Wildlife Research Unit, University of Washington. On or before January 31st of every year, the permit holder must submit to NMFS a post season report in the prescribed form describing the research activities, the number of listed fish taken and the location, the type of take, the number of fish intentionally killed and unintentionally killed, the take dates, and a brief summary of the research results. A copy of the annual report form has been attached to this email. Please fill it out and return it by January 31st.

Permit 1376 expires on December 31st and my records indicate that you wish to continue the research next year. Your request for additional take and extension of the expiration date was received on May 27th of this year. I notified you that the time required for a modification to the permit is a minimum of six months. I regret to inform you that your request was misplaced and the modification/extension has not been issued.

In regards to the request for additional take, the reason for additional take is based on higher than expected mortality rates. We do not consider high mortality to be a valid reason for increasing overall take. The appropriate action would be to make changes to the research to avoid exceeding the allotted mortality. In regards to the expiration date of the permit, I can extend the permit for one year with no changes to allowed take and unintentional mortality.

I will do everything I can to expedite the processing of a one-year extension for permit 1376. However, the earliest that I will be able to issue you the extension will be late February.

Again, my apologies for the inconvenience.

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Gary Rule
Protected Resources Division
National Marine Fisheries Service
1201 NE Lloyd Blvd, Suite 1100
Portland, OR 97232
PH: 503-230-5424
FAX: 503-230-5441

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Subject: Re: Request change in take for Permit 1376
From: Dave Beauchamp <davebea@u.washington.edu>
Date: Tue, 31 May 2005 10:02:07 -0700 (PDT)
To: Gary Rule <Gary.Rule@noaa.gov>

Thanks for your prompt reply Gary,
We'll be repeating most of this work again next year, so please do pursue the modification.
Best regards,
Dave

David A. Beauchamp, Associate Professor
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Assistant Unit Leader-Fisheries
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On Tue, 31 May 2005, Gary Rule wrote:

Hi Dave,
I recognize the importance of your research and NOAA Fisheries believes that the take of ESA listed species for research purposes can be offset by the benefits of the research. We routinely receive requests for modifications to research permits and do our best to accommodate the needs of the researcher. Under the Endangered Species Act, when we issue a research permit, we are required to conduct a formal consultation which includes a biological opinion. The terms and conditions of our biological opinions include a requirement to re-initiate consultation if the action (issuance of the permit) changes significantly. Increasing the level of take amounts to a significant change in the action analyzed in the biological opinion. This means that we are required to re-initiate the formal consultation on the issuance of the research permit. I would have to write a new biological opinion, publish two separate notices in the Federal Register, and open a thirty-day public comment period for the modification to your permit. The process of issuing a new permit or a modification to an existing permit typically can take at least 6 months. Your permit expires December 31st of this year. If you wish to make the modifications and continue the research in the coming years, then I can start the process for the modifications. However, due to the time constraints, we cannot provide you authorization for additional take this year. I recommend that you make appropriate changes to your research in order to avoid exceeding the take authorized by your permit.

Please call me if you have any questions.

Gary Rule
Protected Resources Division
National Marine Fisheries Service
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FAX: 503-230-5441

Dave Beauchamp wrote the following on 5/27/2005 7:23 PM:

Hi Gary,
I've attached a request to increase our take of wild juvenile chinook in Lake Washington in conjunction with our predation and predator abundance studies.
Thanks very much and have a nice holiday weekend,
Best regards,
Dave

David A. Beauchamp, Associate Professor
UW School of Aquatic and Fisheries Sciences
Assistant Unit Leader-Fisheries
USGS Washington Cooperative Fish & Wildlife Research Unit
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